

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: January 28, 2013
	Agenda Item No. 37 Roll Call No. <u>13-0133</u> Communication No. <u>13-032</u> Submitted by: Benjamin R. Page, Director of Park and Recreation

AGENDA HEADING:

Second reading to approve amendment of Municipal Code Chapter 74 Article IV. Facilities and Article VI. Fees regarding various changes to Park and Recreation fees, park facility hours, and consumption of alcohol.

SYNOPSIS:

Recommend approval of proposed changes to the Municipal Code Chapter 74, including:

Article IV. Facilities

- Sec. 74-92. Consumption of alcohol, intoxication;
- Sec. 74-101. Park facility hours;

Article VI. Fees

- Sec.74-175. Portable picnic table rentals;
- Sec.74-178. Temporary concession fees;
- Sec. 74-179. Park between Tenth and Fifteenth Streets and Grand Avenue and Locust Street aka “Western Gateway Park” - rentals;
- Sec.74-180. Community center building rentals;
- Sec.74-182. Lodge, park shelter and other park rentals;
- Sec.74-183. Aquatic centers, swimming pools and marina; and
- Sec.74-186. Vendor fees.

A proposed new section would introduce fees for the Principal Riverwalk.

FISCAL IMPACT:

Amount: \$18,000 projected increase in revenues.

Funding Source: Funds will be deposited into various Park and Recreation Department Operating Budgets: Four Mile Community Center, GE001 PKS102500, page 181; Pioneer-Columbus Community Center, GE001 PKS102800, page 182; Horticulture Maintenance, GE001 PKS070400, page 168; Summer Playground Program, GE001 PKS101000, page 178; Pools, GE001 PKS100101, page 175; Marina Operations, GE001 PKS107600, page 188; Urban Conservation, GE001 PKS108300, page 190.

ADDITIONAL INFORMATION:

Staff has reviewed sections of Chapter 74 of the Municipal Code pertaining to facilities, use of alcohol, and fees and is recommending they be updated to reflect the addition of new facilities, changes in business practices and need for periodic updating of fees based on demand and rates for comparable facilities in the market area. It has been three or more years since these rates have been adjusted.

Recommended changes follow:

Section 74-92. Consumption of alcohol; intoxication - This section specifies that alcohol can be consumed in City parks only by obtaining a permit through special approval of the Park and Recreation Board or in specified areas which presently include enclosed shelters in Greenwood, MacRae, and Birdland Parks, as well as particular areas of Gray's Lake and Western Gateway Parks. Additional specified areas being recommended are: Grandview Park enclosed shelter; Clare and Miles Mills Rose Garden, Ewing Park Lilac Arboretum, and the Asian Garden, which are frequently used for receptions; and specific areas along the Principal Riverwalk likely to be used for receptions including Long Look Garden, Brenton Skating Plaza, World Food Prize Building outdoor plaza, and facilities of the Hub Spot including the building, building plaza, and River Plaza. Alcohol consumption through issuance of a permit is also recommended for adult events at the following sports complexes: Carney Softball; James W. Cownie Soccer and Baseball Parks; and the Greater Des Moines Softball Park.

Section 74-101. Park facility hours - This section sets park hours and delineates exceptions to the standard hours for such locations as golf course clubhouses, Simon Estes Amphitheater, Birdland Tennis Courts and Marina, Brenton Skating Plaza and Western Gateway Park. Although Gray's Lake Park has for many years operated under the hours of 5:00 a.m. to midnight April through October and 6:00 a.m. to 10:00 p.m. the remaining portion of the year due to its heavy use, this exception to standard park hours has not previously been incorporated into the municipal code; staff requests that this be added to the list of exceptions in this section. As is the case with Gray's Lake Park, staff expects heavy use of areas along the Principal Riverwalk to go beyond standard park hours and is therefore recommending the areas along the Principal Riverwalk, except the multi-use trail and trail heads, close at 2:00 a.m. rather than following the standard policy of sunset. Staff plans on reevaluating the proposed hours of the Principal Riverwalk after operating the facility for one year.

Section 74-175. Portable picnic table rentals - Elimination of this fee was approved by Council action in 2010 but the change had not been applied to the Municipal Code; therefore this section is now being eliminated.

Section 74-178. Temporary concession fees - Per City Council action in 2010, park users who want to temporarily sell food, beverage and novelty items as a part of their event must pay the City a flat fee based on anticipated attendance along prescribed levels. A change in levels from wording indicating attendance less than 100 to less than 499 is recommended for the base threshold number of people attending and the amount charged for that threshold attendance is recommended to be reduced to \$25.00 from \$50.00, which staff believes was too high for the average popcorn or hot dog vendor selling at an event such as Jazz in July. Staff also recommends that a separate agreement be negotiated by the Park and Recreation Director or City Manager for vendors who will vend in six or more events over the course of a season.

Section 74-179. Park between Tenth and Fifteenth Streets and Grand Avenue and Locust Street aka "Western Gateway Park" - rentals - Elimination of the rule regarding a deposit for Western Gateway Park rentals is proposed. Along with this change, operating policy would be changed to require that rent payment be made in full at the time the permit is signed, to reduce the number of

rental holds being placed on the park without full payment, thus reducing staff time in processing rentals.

Section 74-180. Community center building rentals - Prior to 2010, when a fee adjustment took place, some rooms rented for as little as \$10.00 and fees and charges for meeting rooms and gym space had not been adjusted for at least ten years. Staff is now recommending adjustments to some hourly rental rates established in 2010 and the establishment of a fee structure for areas of the buildings that were formerly leased space. Removal of the \$5.00 kitchen fee is proposed as is a two-hour minimum for all rentals. Rate changes and additions include:

- decreasing the holiday or non-operating timeframe hourly rate for small meeting rooms from \$40.00 to \$35.00;
- increasing multipurpose room hourly rates from \$25.00 to \$35.00 during operating hours and \$50.00 to \$60.00 on holidays and during non-operating hours;
- increasing gymnasium hourly rates from \$30.00 to \$35.00 during operating hours and \$60.00 to \$65.00 on holidays and during non-operating hours;
- adding the option of rental of the formerly leased east and west wings of Pioneer-Columbus Community Center and establishing hourly rates of \$35.00 during operating hours and \$55.00 on holidays and during non-operating hours.

Section 74-182. Lodge, park shelter and other park rentals - In addition to rental fees for park buildings, this section outlines miscellaneous fees within the City's park system. The following fee changes are being recommended:

- elimination of verbiage relating to the rental of Waveland Lodge as this facility is now under contract management;
- elimination of the \$15.00 electrical surcharge for Sylvan Amphitheater (now included in the per-hour rental rate);
- change from a flat fee of \$15.00 for rental of the Union Park Formal Garden for an unspecified duration to an hourly rate of the same amount;
- increase in the fee for the Birdland and Grandview Park heated and air-conditioned enclosed shelters from \$60.00 to \$80.00 per five-hour time slot;
- change in the hourly rate and rental structure for the Martin Luther King, Jr. heated and air-conditioned enclosed shelter from a first-hour rate of \$25.00 and decreasing hourly rate thereafter to an increased rate of \$35.00 per hour for the first two hours and \$20.00 for each hour thereafter, with a minimum rental charge of \$70.00;
- establishment of a new, additional rental structure for open-air shelters to discriminate between small/regular shelters, which would continue to be rented in one time slot per day at the same rate of \$30.00 per slot, from those with capacities in excess of 100, such as that which is located in Pete Crivaro Park, which would now be rented in two time blocks per day and have a new, large open-air shelter rate of \$60.00 per time block;
- extension of rentals of the Ewing Scout Cabin to daily rather than just on weekends;
- elimination of a transport fee to remove and set up bleachers as the service is no longer available;
- increase in the wading pool rental fee from \$20.00 per hour to \$25.00 per hour with retention of the three-hour minimum rental fee;
- establishment of a new \$500.00 fee for a four-hour rental of the Asian Garden, with a charge of \$100.00 for each additional hour; and
- establishment of a new fee of \$25.00/space for each Community Garden plot in the four community garden areas, commencing with the 2014 season, with a reduction to \$5.00/plot for those who are eligible and sign up for the reduced-fee GRASP card (scholarship program).

Section 74-183. Aquatic centers, swimming pools and marina - Season swim passes have been priced at Early Bird \$75.00/Regular \$80.00 fees for the first two people in a family or shared residence, with a charge of Early Bird \$25.00/Regular \$30.00 fee for each additional member and an Early Bird \$120.00/Regular \$140.00 maximum charge. Staff proposes that these same additional member fees be applied to the third and fourth family member, but recommends that all family members after the fourth be charged an additional \$5.00 and that the family maximum be eliminated. In 2012, 1225 season swim passes were issued, of which 327 households claimed five or more members at one residence (137 passes for households of five, 88 for households of six, 55 for households of seven, 23 for households of eight, and 24 for households of nine or more members). Replacement tag fees are proposed to be increased from \$3.00 to \$5.00.

Youth agency passes are used by groups such as day cares and the Boys and Girls Club. In the past, rates for three- and five-days/week passes for each child were out of step with the remainder of the times/week graduated rates. The proposed changes are indicated below:

<u>Previous Fees per Child</u>	<u>Proposed Fees per Child</u>
1 day/week - \$15.00 (\$1.36/day)	Same
2 days/week - \$25.00 (\$1.14/day)	Same
3 days/week - \$30.00 (\$0.91/day)	3 days/week - \$35.00 (\$1.06/day)
4 days/week - \$45.00 (\$1.02/day)	Same
5 days/week - \$45.00 (\$0.82/day)	5 days/week - \$55.00 (\$1.00/day)

Pool rental costs for athletic programs and swim meets have included a combination of participant and hourly fees. Staff recommends simplifying the fee structure with the elimination of the participant portion of the fee and introduction of an hourly fee that is based on the number of swimmers, with a flat hourly rate of \$40.00 for 1-50 swimmers, \$50.00 for 51-100 swimmers, \$60.00 for 101-150 swimmers, and \$70.00 for 151-200 swimmers, with the net result that the rate for groups such as the Des Moines Swim Federation and Central Iowa Aquatics remains nearly the same; revenue is also expected to remain approximately the same.

Birdland Marina moorage fees were last changed in 2007. The marina has been at maximum capacity for the past fifteen years and there is currently a waiting list of eight boat owners. It is proposed that seasonal rates be changed from \$492.00 to \$505.00 for double access slips and from \$466.00 to \$475.00 for single access slips. An existing classification of double access/long length has been eliminated due to the elimination of a Iowa Department of Natural Resources fee for vessels 30 feet in length. Weekend rates are proposed to be raised from \$38.50 to \$40.00. A new replacement moorage decal charge of \$5.00 is also proposed.

Section 74-185. Simon Estes Riverfront Amphitheater fees - Staff recommends a simplification of fees under this section by eliminating electrical fees for all events (hook-up fee \$50.00 and stage electrical panel \$150.00) as well as elimination of the heading “Weddings/private parties” through a newly-combined heading of “Free public event and private parties (weddings),” which results in a change in the fee for wedding and private party four-hour sessions from \$400.00 to \$500.00 and in the fee for additional hours from \$75.00/hour to \$100.00/hour. The vending fee of 14% of gross revenue is proposed to be eliminated for the rental category of fee-based events due to the fact that most vending occurs through the concert series and the City receives a percentage of sales through the concessionaire’s contract; however, the \$750.00/four-hour session fee of \$750.00 and \$175.00/additional hour are proposed to remain the same. This fee is used for events such as concerts that are not hosted by the concessionaire.

Section 74-186. Vendor fees - Staff recommends elimination of this section as all vendor fees outlined are proposed to be addressed in **Section 74-178. Temporary concession fees**.

Renamed Section 74-186 Principal Riverwalk fees - As indicated previously, subject matter in the current **Section 74-186. Vendor fees** is proposed to be moved to another section, which opens the code section number for this new content, that addresses establishment of fees for various areas along the Principal Riverwalk. Rates were based on current rates charged at Simon Estes Amphitheater. If a pending agreement with the Downtown Self-Supported Municipal Improvement District (SSMID) is approved, all fees relating to this section will be retained by the Downtown SSMID. Proposed venues and fees include:

- Long Look Garden – available to rent weekends only at \$200.00/four-hour time interval, \$50.00 for each additional hour;
- Court Avenue Kiosk Plaza, Court Avenue River Plaza and Hub Spot – each \$200.00/four-hour time interval, \$50.00 for each additional hour;
- Union Pacific (Red) Railroad Bridge - \$30.00/four-hour time interval for the north or south overlook;
- World Food Prize Plaza - \$500.00/four-hour time interval, \$100.00 for each additional hour, \$100.00 additional to block access for private event.

Unless otherwise noted, staff recommends these fees to be implemented effective the date following City Council approval.

PREVIOUS COUNCIL ACTION(S):

Date: January 14, 2013

Roll Call Number: [13-0055](#)

Action: [Amending](#) Chapter 74 of the Municipal Code regarding consumption of alcohol, park facility hours and fees in Park and Recreation facilities. ([Council Communication No. 13-006](#)). Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Griess.

Date: October 8, 2012

Roll Call Number: [12-1580](#) and [12-1581](#)

Action: [Amending](#) Chapter 74 of the Municipal Code regarding Brenton Skating Plaza Ice Rink fees. Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

- (A) [Final](#) consideration of ordinance above, (waiver requested by Park and Recreation Department), requires 6 votes. ([Council Communication No. 12-532](#)). Moved by Coleman that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15-136. Motion Carried 7-0.

Date: February 28, 2011

Roll Call Number: [11-0324](#)

Action: [Amending](#) Chapter 74 of the Municipal Code regarding bike and related equipment rental fees. ([Council Communication No. 11-124](#)). Moved by Coleman that this ordinance do now pass, [#14,991](#). Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Park and Recreation Board

Date: December 10, 2012

Action: Approved Chapter 74 proposed amendments

Board: Park and Recreation Board

Date: September 25, 2012

Action: Approval of fees for Brenton Skating Plaza

Board: Park and Recreation Board

Date: March 23, 2010

Action: Approved recommendation on amending Chapter 74 Article VI. Fees

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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